## الأحكام الخاصة بالعلاقة بين الأصول والفروع في الفقه الإسلامي دراسة مقارنة

قدمت هذه الأطروحة استكمالا لمتطلبات الحصول على درجة الدكتوراه في الفقه الإسلامي وأصوله.

## قرار لجنة المناقشة

نوقشت هذه الأطروحة (الأحكام الخاصة بالعلاقة بين الأصول والفروع في الفقه الإسلامي) وأجيزت بتاريخ ١٠/ ٥/٢٠٠٦م.

## أعضاء لجنة المناقشة

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.291/2 .68/5 .324/3 (6) .552/3

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.361/3 .324/3 (8) .274/5

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.(1) .(2) .(3) .(4) .(5) .(6) .(7) .353/8 .206/13 (1) (2) (3) (4) (5) (6) (7) .101/8 .531/5 .101/8 .406/5

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-125-

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-126-

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.413/7 .415/5 .415/5 (3) .96/8 .413/7

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201/5 (7) .95/8

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-136-

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107/9

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.260/7

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-163-

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.169

(1) (2) .29/2 .170/4 503/2 (3)

.200/3 (4) .429/2

(5) (6) .54/5 .16/3 98/6 .44/5

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.120/7

.503/2 214/3

.(1) .(2) .(3) ":# .(4)" . (5)**"** .(6) .217/3 (1) (2) .201/3 .537/7 (3) .430/2 87/6 (4) 1109 417/3 2093 637/1 3270 4079 392/9 7519 259/2 394/2 .1843 230/3 37 113/7 6136 130/2

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1108

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-175-

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.89 1997- 1417 1

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-177-

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.87/5 388/5 (2) .56/9 159/4

.86/5 .28/2

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(4) (3) (2) .(1) .(5) (6) .(7) .(8) (9) .(10) " : Æ ļ .(11)" (1) .159/4 358/3 192/3 .42/8 (2) .99/6 .38/9 (3) (4) .20/32 .78/5 54/5 .40/3 (5) .401 389/5 .553/2 (6) .44/5 98/6 (7) .(631/2 ) (8) (9) ) . .(390/51 .258/4 .52/9 537/7 (10).169 (11)

.(1)" .(2) (3)" ļ (5)" .169 380/7 495/2 255/3 (1) (2) 3204 85/6 2099 638/1 : 70 240/3 1897 219/1 539 745 307/10 22 1037/2 .20/32 (3) 10745 307/10 13441 115/7 1422 1037/2 273/1 1875 603/1 2096 638/1 .13447 117/7 56 234/3 :(161/3 ) 2469 
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.(1) .(2) .(3) .(4) .(5) " : .(6)" (7) .(8)" (1) (2) .2/4 194/3 .20/32 .504/2 (3) (4) (5) 252/3 .21/32 255/3 .358/3 (6) (7) (8) .169 401 388/5 .380/7 52/9 .176

" : .(1)<sub>"</sub> .(2) .(3) .(4) .(5) .(6) .(7) .(8)" .169 (1) (2) 401/5 .56/9 1038/2 .1422 3683 1415/3 (3) .73/6 (4) (5) (6) (7) (8) .18/3 .390/1 .53/9 537/7

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.(1) .(2) .(3)" .(4) .(5) (6) (1) (2) .381/7 .253/3 .246/10 246/10 (3)(4)(5)(6) .40/3 .381/7

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.(1) .(2) .(3)"... العَلِيْةُ: " .(4) مِلْمَانِين مِلْمَانِين مِلْمَانِين .<sup>(5)</sup>"

.9/4 (1) .79/5 (2) .496/2 254/3 (3) .254/3 (4) .78/5 (5) -185-

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.522/2 (3) .292/3 .237/3 (4)

.200/5 .341/4 (5)

.152/5 .2003/6 (6) .292/3 .522/2 (7)

.345/6 .394/9 (8)

.(1) .(2) .(3) .(4) .(5) .(6) .116/7 .620 171/1 .167/2 1985- 1405 4 .32/8 .524/2

(1) (2) (3) .2106 640/1 607/1 .1114 421/3 .1887 .570 179/1 2725 191/2 .492/3 .2547 212/2 .347/6 .32/8 (5) .203/6 .153/5 (6)

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		.170/5	(3)
		•	(4)
		.523/2	(5)
.301/3	.345/6	.523/2	(6)
		.400/9	(7)
	.237/3	.293/3	(8)
	.394/9	.480/3	(9)
		.524/2	(10)

.(1) .(2) .(3) .(4) (5)

> .524/2 (1) . (2) .204/6 .293/3 (3) .523/2 (4) .103 (5)

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(1) (2) (3) .158 .182

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.173/5 (4) .187/8 (5) .187/8

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                .336/5 .512/6

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.14554 304/7 .479 190/24

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7956 58/8 .22128 238/5
                                               .22128 238/5
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(1) (2) (3) (4) .7117 44/4 ( .6830

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.751/2 .212/5 .111 (2) .565/5 .334/7

.257/9 111 (3)

.334/7 .751/2 .212/5 (4) .200/4

.158/4 .245/3 .705/5 .462/4 (5)

.1030/3 200/4 (6)

-208-

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.(4) (3) (2)

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.376/4 (1) (2) .348/4 .584/3 .333/7 .1030/3 .380/6

.312/9 (3) .460/4

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.228/5 .503/3

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.(1) : (3)<sub>(3)</sub> **(2)** .(4) (... نىللەن ئىچىچىنە (5)" **)**: (6)<sub>(...</sub> (7) .(8) (9) .(10) 1 .136/20 .479/11 (1) .304/2 .36/4 2000-1421 .78: (2) (3) .26: (4) .38: .50 (5) .11: (6) (7) .11: .258/9 .200/4 (8) ). .585/3 (9) .(263

.210/5

(10)

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.(1) .(2) .(3) .(4) .(5) .(6) (1) (2) .376/4 .328/3 .700/5 .175/2 1419 .166/4 1998-

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.(1) .(2) : **(3)** (... .(4) **)**: (5) (... .(6) .(7) **)**: .(8) .(9) **)**: .(10) .266/9 (1) .175/2 .230/5 (2) 299 (3) .233 : (4) .233 : .6: (5) .205 1998- 1418 (6) (7) .233 : .480/11 (8) (9) .233 :

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.344/5 .350/4 (1)

.71/10 (2) .408/3 2001- 1422 1

(3) .243/2 .330/3

1984- 1404 .243/3 .752/2

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.586/5 .586/3 .71/10 .298/9 .463/4 (6)

(7) .344/5 .198/2

(1) (2) .(3) .(4) .(5) .(6) .(7) .(8) .(9)

> (1) .586/5 .319/9 (2) .177/5 (3) (4) .409/3 (5) .409/3 (6) .227/5 .71 70/10 .264 263/9 (7) (8) (9)

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.350/4 .586/5 (1) .282/5 .752/2 (2) .586/3 .298/9 .71/10 (3) .319/9 .463/4 (4) (5) (6) .586/5 .282/5 .263/9 (7) .265/9

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.(162/1 ) (1) .(3) (2) .(4) .(5) (6) (7) (8) (9) (11) (10) (1) .224/7 .485/2 .341/10 2003- 1424

(2) .164/4 .401/2 .25/4 1995 1414 1 .37/6 .428/5 (3) .403/2 (4) .360/9 .100/2 234/1 .172 108 109 .62/10 (5) .62/10 .1095/2 (6) .429/5 .254/3 (7) .31/7 (8).689/5 (9) .62/10 .1095/2 .472/9 .379/9 (10).265/12 (11)

.(2) (1) .(3) (4) .(5) . (6) .(7) (1) .360/9 .234/1 .178/1 .100/1 155 214 .( 256/5 ) .( 139/7 ) . 242 319 ) . .(184/6 236 (2) .84/13 ) .( 262/11 (3) .14: (4) .224/1 (5) .84/13 .179/1

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.(1)" ا عِنْدِينَ: " (2) .(3) (5)" (6)

(3129 213/2 1371/1 .13702 .22/1 (2) (3) 201/1 .975 .1209 (4) .46 (5) .360/9 .179/1

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.(1)" " : .(2) .(3) .(4) .(5) . .(7) (6) . (8) .(9) .46 (1) .179/1 (2) (3) .21/9 .224/7 (4) .192/4 .271/7 .443/3 .179/1 (5) (6) :( ) 477

> (7) (8) .178: .100/1 .234/1 (9) .690/5

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(1)"... .(2) .(3) .(4) (5) .(6)

 

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 895/2 (1) .2623 153/2 .2683 131/3 .265/7 .15682 28/8 .155 (2) .100/1 .234/1 .225 (3) .65/1 .62/10 (4) (5) .690/5 .360/9 (6) .65/1 .234/1

.(1) .(2) .(3) .(4) .(5) .(6) .(7) .360/9 .241/10 .180/1 (1) (2) (3) (4) (5) (6) (7) .241/10 .360/9

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.(1) (3) (2) " .(4) .(5) (6) .(7) .(9) (8)" .21/9 .225/1 (1) (2) (3) (4) .46 .21/9 .271/7 403/8 (5) (6) (7) (8) (9) .234/1 .65/1 .338/12 .262 .225

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.(2) .(3) :3/328 .(4) .(5) .(6) .84/13 (1) .482 (2) 1421 (3) .30 2001 1960 (16) : : (4) . 155 2000- 1410 1 (5) 1990- 1410 1 .120

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(1) (2) (3) (6) (5) (4) .(7) (9) (8) (10) .(12) (11) .(721/2 .(241/4 .199/10 .68/2 .163 (2) .91/6 .370/6 .59/5 (3).245/4 .428/2 .411/8 (4) .596/4 .436/7 (5) . 2001- 1421 1631/4 .310/6 .186/10 (6) .468/2 .264/12 68/2 .199/10 (7) 109 .172 108 (8).(245/4 ) . .411/8 .383/9 .428/2 (9) .264/12 (10)

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.(1) **)**: .(2) .(3) ...) .(4) .(5) .(6) .(7) **)** : .(8) (1) .23: .221/9 (2) .23: (3) .221/9 (4) .370/6 .143/9 .4: .199/10 .436/7 (5) (6) (7)

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.(1) .(2)" .(3) .(4)" .(5) (6) (7)

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.13816 .266/12 (1) .13816 .441/7 (2) .266/12 (3)

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.417/8 .432/9 (4)

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.224 505/1 (11)

. (1) (... .(2) .(3) (4) (5) **)**: **)**: (6)" " : .(7) .(8)" ": (1) .61: .81/4 111/2 .180/9 (2) .369/5 (3) .81/4 (4) .23: .14: (5) .46 (6) .650/2 1993-1413 1 (7) .280/10 .360/8 .144/22 .450/4

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.(1) .(2) .(3) .(4) .(5) .(6) .(7) .(8) .356/4 .190/11 (1) .353/6 .144/22 (2) .34/7 (3) .1134/3 .305/9 .179/9 (4) .305/9 ) (5) ( .97/5 1997-1418 1 .81/4 (6) (7) .432/12 (8)

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## PROVISIONS RELATED TO THE RELATIONSHIP BETWEEN PARENTS AND OFF SPRIGS IN THE ISLAMIC JURISPRUDENCE

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## Supervisor Dr. Mohammad Khalid Mansour

## **ABSTRACT**

Islamic Law Obliged the Off springs to show dutifulness to their parents and to do charity to them. It considered it unlawful to be undutiful to parents. Islam Legislated special provisions capable of the off springs dutifulness toward their parents. Islamic law obliged parents to be charitable to their off springs and to do will in raising and nurturing them. It made it unlawful to waste the off springs and to do will in raising and nurturing them. It made it unlawful to waste the off springs and their rights. Islam, also, legislated many provisions to the generation of off springs?

The study, here in, approached provision specially related to the relationship between parents and off spring, which were mentioned in evidences of Islamic Jurisprudence, both expressed and implied. Where by Rights "Allah" his majesty dictated on off springs toward their parents become known, also become known limits of obligation on parents toward their off springs. The second theme is the provisions governing the relationship between parents and off springs. The rest of chapters were dedicated to search the provisions specially related to the relationship between parents and off springs in the Islamic jurisprudence, they came in the following order.

The first chapter: Proviosions specially related to the relationship between parents and off springs in the worships.

The second chapter: Provisions specially related to the relationship between parents and off springs in financial exchange.

The third chapter: Provision specially related to the relationship between parents and off spring, in Marriage and divorce.

The fourth chapter: Provision specially related to the relationship between parents and offerings in penalties, Judiciary and jihad. The Thesis came with a conclusion that included the most important of my study's conclusion.